

JUDGE SAND

James H. Power  
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ATTORNEYS FOR PLAINTIFF  
BLAKE MARINE GROUP, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BLAKE MARINE GROUP, INC.,

Plaintiff,

-against-

TUBBS MARINE AND ENERGY, LTD.,

Defendant.

08 CIV 6600

08 Civ. \_\_\_\_\_

**AFFIDAVIT IN  
SUPPORT OF ATTACHMENT**

STATE OF NEW YORK )

) ss:

COUNTY OF NEW YORK )

James H. Power, being duly sworn, deposes and says:

1. I am associated with the firm of Holland & Knight LLP, attorneys for Plaintiff Blake Marine Group, Inc. ("Plaintiff"), and I am duly admitted to practice before the United States District Court for the Southern District of New York.

2. I am familiar with the facts and circumstances underlying this dispute and I am submitting this affidavit in support of the Verified Complaint and the Writ of Attachment.

3. Our office contacted the New York Secretary of State for the State of New York, and was advised that Tubbs Marine and Energy, Ltd. is not a New York business entities. Our office also confirmed that Defendant is not foreign business entity registered to do business in New York.

4. Our office also checked for the presence of Defendant in other sources. Defendant is not listed in the telephone directory of the principal metropolitan areas in this district, nor are they listed in the Transportation Tickler, a recognized commercial directory in the maritime industry.

5. Accordingly, to the best of my information and belief, Defendant cannot be found within this district or within the State of New York.

6. Based upon the facts set forth in the Verified Complaint, I respectfully submit that the Defendant is liable to Plaintiff for the damages alleged in the Verified Complaint, which amounts, as best as can be presently determined, amount to a total of \$334,336, including estimated interest, legal fees and expenses.

7. Upon information and belief, Defendant have property, goods, chattels or effects within this jurisdiction, to wit: funds or accounts held in the name of Tubbs Marine and Energy, Ltd. at one or more of the following financial institutions:

Bank of America, N.A.

Bank of China

The Bank of New York

Citibank, N.A.

Deutsche Bank Trust Company Americas

HSBC Bank USA, N.A.

JPMorgan Chase Bank, N.A.

UBS AG

Wachovia Bank, N.A.

Société Générale

Standard Chartered Bank

BNP Paribas

Calyon Investment Bank

American Express Bank

Commerzbank

ABN Amro Bank

Bank Leumi USA

Banco Popular

China Trust Bank

Industrial Bank of Korea

Shin Han Bank

Great Eastern Bank

Nara Bank

United Orient Bank

8. Plaintiff is, therefore, requesting that this Court, pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, issue a writ of maritime attachment for an amount up to \$334,336.00.

**WHEREFORE**, Plaintiff respectfully requests that the application for a writ of maritime attachment and garnishment be granted.



James H. Power

Sworn to before me this  
24th day of July, 2008



Notary Public

Elvin Ramos  
Notary Public, State of New York  
NO. 01RA4870243  
Qualified in Queens County  
Certificate filed in New York County  
Commission Expires September 2, 2010

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